

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

TRITON IP, LLC,

v.

SAGE GROUP, PLC, et al.

6:07-cv-00067-LED

JURY

**PLAINTIFF'S REPLY TO COUNTERCLAIMS OF SAGE SOFTWARE**

Plaintiff Triton IP, LLC (“Triton”) replies to the counterclaims of Defendant Sage Software, Inc. (“Sage”) as follows:

1. Paragraph 1 of Sage’s counterclaim purports that it “incorporates the foregoing averments as if fully set forth herein.” Such an allegation is improper. To the extent that such an allegation requires a response, Plaintiff denies the merits of Sage’s defenses and affirmative defenses. Plaintiff denies the remaining allegations, if any, set forth in this paragraph.

2. Plaintiff admits that it contends the ‘525 patent is valid and infringed by Sage. Plaintiff admits that Sage purports to deny such allegations. Plaintiff admits that Sage’s answer purports to contend that Sage does not infringe the ‘525 patent, and that said patent is invalid. Plaintiff admits that a justiciable controversy exists between Sage and Plaintiff. Plaintiff denies the remaining allegations, if any, set forth in this paragraph.

3. To the extent paragraph 3 requires a response, Plaintiff admits that Sage purports to seek a declaration of non-infringement and invalidity. Plaintiff denies the remaining allegations, if any, set forth in this paragraph.

4. Denied.

5. To the extent paragraph 5 requires a response, Plaintiff admits that Sage’s purported counterclaims arise under the Patent Act, and Plaintiff admits this Court’s jurisdiction

over Plaintiff's claim and any properly pled counterclaims. Plaintiff denies the remaining allegations, if any, set forth in this paragraph.

6. To the extent necessary, Plaintiff denies that Sage is entitled to the relief requested in its prayer for relief. In addition, to the extent necessary, Plaintiff denies any allegation in the counterclaims not specifically admitted above, and Plaintiff re-alleges infringement, validity and damages, and denies any allegations in the counterclaim adverse to same.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment denying and dismissing Sage's counterclaims, and that the Court enter judgment in favor of Plaintiff as requested in Plaintiff's complaint, as amended or supplemented.

Date: July 12, 2007

Respectfully submitted,

TRITON IP, LLC

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**CERTIFICATE OF SERVICE**

On this date a copy of the foregoing is being filed electronically and thus served upon all counsel of record pursuant to Local Rule CV-5.

Date: July 12, 2007

/s/ John J. Edmonds  
John J. Edmonds